

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOHN NUNNALLY,

Plaintiff,

Case No. 2:12-CV-378

v.

Hon. Gordon J. Quist

JEFFREY WOODS, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation (R & R) filed by the United States Magistrate Judge in this action on November 23, 2015. In that Report and Recommendation, Magistrate Judge Greeley recommends that the Court deny Plaintiff's motion for preliminary injunctive relief. Plaintiff has filed objections to the R & R, which the Court has reviewed de novo. For the reasons that follow, the Court will adopt the R & R.

Plaintiff asserts that prison officials are retaliating against him based on the instant lawsuit, and seeks an order for the Michigan Department of Corrections to transfer him to a different prison facility. "A preliminary injunction is an extraordinary measure that has been characterized as one of the most drastic tools in the arsenal of judicial remedies." *Bonnell v. Lorenzo*, 241 F.3d 800, 808 (6th Cir. 2001) (internal quotation marks omitted). In determining whether to issue an injunction, courts consider whether (1) the movant has a strong likelihood of success on the merits; (2) the movant would suffer irreparable injury without the injunction; (3) issuance of the injunction would cause substantial harm to others; and (4) the public interest would be served by issuance of the injunction. *Id.* at 809. In this case, although Plaintiff has survived summary judgment, he has not

shown a substantial likelihood of success on the merits. Moreover, the public interest would not be served by the issuance of an injunction. The Sixth Circuit has counseled against federal courts intruding on the administration of state prisons, explaining:

[J]udicial deference is accorded not merely because the administrator ordinarily will, as a matter of fact in a particular case, have a better grasp of his domain than the reviewing judge, but also because the operation of our correctional facilities is peculiarly the providence of the Legislative and Executive Branches of our Government not the Judicial.

United States v. Michigan, 940 F.2d 143, 167 (6th Cir. 1991) (internal quotation marks omitted).

Thus, even assuming that Plaintiff could demonstrate irreparable injury and a lack of substantial harm to others, he would not be entitled to injunctive relief.

Therefore,

IT IS ORDERED that the Report and Recommendation of the Magistrate Judge filed November 23, 2015 (dkt. #104) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's Motion for Preliminary Injunction (dkt. #94) is **DENIED**.

Dated: January 7, 2016

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE